

## Message Text

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ACTION ARA-14

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TO SECSTATE WASHDC 0000

C O N F I D E N T I A L TEGUCIGALPA 5818

ALSO FOR CU/ARA

EO 11652 GDS  
TAGS: PINT, SHUM, HO  
SUBJECT: HUMAN RIGHTS DEVELOPMENTS IN WAKE OF THE ALLEGED COUP PLOT

REF: (A) TEGUCIGALPA 5699, (B) TEGUCIGALPA 5480, (C) STATE 282352

1. SUMMARY: THE EMBASSY FORWARDS THE FOLLOWING RECENT INFORMATION ON HUMAN RIGHTS DEVELOPMENT FOR CONSIDERATION IN THE PREPARATION OF COUNTRY PAPERS (REF C). THE CIVILIANS WHO WERE HELD FOR ALMOST SIX WEEKS IN ALLEGED COUP PLOT APPEAR TO HAVE BEEN TREATED RELATIVELY WELL. CHARGES HAVE BEEN MADE THAT THE TEN ARMY SERGEANTS WERE PHYSICALLY ABUSED, BUT HAVE NOT BEEN SUBSTANTIATED. THE GOH MEANWHILE IS PLANNING A GENERAL PARDON FOR COMMON CRIMINALS WHICH IN PART MAY BE BASED ON RECOGNITION OF POOR COURT AND JAIL CONDITIONS. SOME GROUPS HAVE USED THE AMNESTY TO RENEW THEIR CAMPAIGN FOR RELEASE OF CAMPESINO LEADERS WHO ARE ALLEGEDLY BEING HELD FOR POLITICAL REASONS. THE LAWYERS ASSOCIATION COMMISSION THAT WAS TO HAVE INVESTIGATED ALLEGED HUMAN RIGHTS VIOLATIONS HAS DISBANDED. THE ARREST AND SUBSEQUENT PARDON OF ALLEGED PLOTTERS HAS FOCUSED PUBLIC ATTENTION ON HONDURAN HUMAN RIGHTS SITUATION AND GIVEN RECOGNITION THAT IF IT NOT BAD PERHAPS IT IS NOT QUITE AS  
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GOOD AS PREVIOUSLY THOUGHT. END SUMMARY.

2. THE FIFTEEN CIVILIANS HELD IN ALLEGED COUP PLOT HAVE BEEN RELEASED, AS HAVE THE TEN SERGEANTS. DURING THEIR INCARCERATION, THE CIVILIANS COMPLAINED OF POOR FOOD AND UNHEALTHY CONDITIONS, BUT NOT OF ACTUAL MISTREATMENT. AS ONE OF THEM OBSERVED TO THE PRESS, WITH TONGUE IN CHEEK, "THIS IS NOT A FIRST CLASS PRISON." ONE,

PRAXEDES MARTINEZ, SUFFERED A FAINTING SPELL AND WAS TRANSFERRED TO A PRIVATE HOSPITAL BUT NO OTHER HEALTH PROBLEMS WERE REPORTED IN SPITE OF THE AGE OF MANY OF THE ACCUSED.

3. WHILE THE CIVILIANS HAD ACCESS TO LAWYERS, THE PRESS AND RELATIVES ALMOST IMMEDIATELY, THE TEN ARMY SERGEANTS WERE HELD INCOMMUNICADO UNTIL LATE NOVEMBER. DURING THIS TIME, THEIR RELATIVES COMPLAINED TO THE PRESS ABOUT THE TREATMENT THE SERGEANTS WERE RECEIVING, ALLEGING PHYSICAL ABUSE. THESE ALLEGATIONS WERE NOT REPEATED WHEN THE SERGEANTS WERE PERMITTED TO SEE THEIR FAMILIES AND THEIR LAWYERS BEGAN AN APPEAL AGAINST THE INDICTMENT.

4. UPON THEIR RELEASE, THE EVENING DAILY EL DIA CHARGED TCCT THE SERGEANTS HAD BEEN MISTREATED AND THAT ONE, TOMAS PORTILLO, SHOWED OBVIOUS SIGNS OF PHYSICAL ABUSE. PORTILLO REFUSED TO TALK TO REPORTERS, AND HE AND OTHERS WERE REPORTEDLY BEING SENT TO OUTLYING MILITARY UNITS. NO OTHER PAPERS REPEATED THESE CHARGES, AND THE EMBASSY HAS NOT HAD ANY CONFIRMATION OF PHYSICAL ABUSE ALTHOUGH IT SEEMS LIKELY THE SERGEANTS WERE TREATED WITH LESS CONSIDERATION THAN THE CIVILIANS.

5. IN A SEPARATE DEVELOPMENT, THE GOH CONFIRMED THAT IT IS STUDYING A GENERAL PARDON FOR COMMON CRIMINALS WHO HAD COMPLETED SOME PORTION OF THEIR SENTENCE WITH GOOD CONDUCT. IT HAD PLANNED TO PROMULGATE THE DECREE ON UN "HUMAN RIGHTS DAY" DECEMBER 10. HOWEVER, PARDON WAS DELAYED BECAUSE, ACCORDING TO MINHEALTH ENRIQUE CONFIDENTIAL

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AGUILAR PAZ, THERE WERE A NUMBER OF LEGAL ASPECTS THAT REQUIRED FURTHER STUDY. AGUILRUEPAZ ALSO NOTED THAT THE GOH HOPED TO EXPEDITE THOSE CASES WHICH HAD BEEN DELAYED FOR LENGTHY PERIODS BECAUSE THE ACCUSED LACKED FUNDS FOR LAWYERS AND LEGAL EXPENSES. THE MINISTER WAS QUOTED DESCRIBING CASES IN WHICH THE ACCUSED HAD BEEN HELD BEFORE TRIAL FOR LONGER THAN IF THEY HAD BEEN FOUND GUILTY AND THAT THIS WAS ESPECIALLY

UNFORTUNATE IN THOSE CASES WHERE THEY MIGHT NOT BE GUILTY. WHILE THIS HUMAN RIGHTS ASPECT IS A VALID CONSIDERATION, CONCERN HAS ALSO BEEN EXPRESSED OVER THE FREEING OF MANY CRIMINALS JUST BEFORE CHRISTMAS.

6. A NUMBER OF ORGANIZATIONS (PRIMARILY LEFT WING) HAVE RESUMED THEIR CAMPAIGN IN FAVOR OF FREEING ELEVEN LEADERS OF THE "EMPRESA ASSOCIATIVE DE ISLETAS," A CAMPESINO COOPERATIVE IN THE AGUAN VALLEY. THE CAMPESINOS, WHO ARE ALLEGEDLY COMMUNISTS, WERE ARRESTED TEN MONTHS AGO ACCUSED OF DIVERSION OF FUNDS AND HAVE BEEN HELD WITHOUT TRIAL SINCE THEN. STUDENT AND UNIVERSITY REPRESENTATIVES OF THE CHIEF OF STATE'S ADVISORY COUNCIL INTRODUCED A MOTION, WHICH WAS APPROVED, CALLING FOR THEIR RELEASE.

7. THE LAWYER'S ASSOCIATION COMMISSION THAT WAS TO BE APPOINTED (TEGUCIGALPA 5468) TO INVESTIGATE HUMAN RIGHTS VIOLATION ALLEGATIONS IN CASE OF ALLEGED COUP PLOTTERS AS WELL AS GENERAL HUMAN RIGHTS SITUATION IN THE COUNTRY NEVER BEGAN TO FUNCTION. IT APPARENTLY WILL NOT DO SO BECAUSE THE AMNESTY WAS GRANTED. IN ADDITION, THE LAWYER'S ASSOCIATION SOMEWHAT TARDILY DISCOVERED IT ALREADY HAD A STANDING HUMAN RIGHTS COMMISSION, WHICH APPARENTLY HAS BEEN INACTIVE.

8. COMMENT: THE ARREST, WHETHER RIGHTLY OR WRONGLY, OF A NUMBER OF WELL-CONNECTED IF NOT INFLUENTIAL PRIVATE CITIZENS HAS FOCUSED PUBLIC ATTENTION ON THE HONDURAN HUMAN RIGHTS SITUATION AND A GENERAL RECOGNITION THAT IT IS NOT AS WELL AS PREVIOUSLY BELIEVED. THE MINHEALTH'S FRANK COMMENTS ON THE INEFFICIENT AND OVERBURDENED CONFIDENTIAL

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HONDURAN COURT AND PRISON SYSTEM PROBABLY ACCURATELY DESCRIBE THE MAJOR HUMAN RIGHTS PROBLEM IN HONDURAS, I.E., THE OFTEN INORDINATELY LONG DELAYS ENCOUNTERED IN THE ADMINISTRATION OF JUSTICE. THIS, OF COURSE, IS NOT A SITUATION UNIQUE TO HONDURAS AND RESULTS FROM THE NATURE OF THE JUDICIAL SYSTEM. THE NATIONAL BUDGET FOR 1978 ALLOTS ONLY \$2.5 MILLION TO THE JUDICIAL BRANCH FOR BUILDINGS, SALARIES AND ADMINISTRATIVE EXPENSES. THIS IS LESS THAN

GIVEN TO ANY SINGLE EXECUTIVE BRANCH MINISTRY. WHILE THE SITUATION IS

NOT PERFECT, IT IS NO DOUBT BETTER THAN IN HONDURAS' IMMEDIATE NEIGHBORS OR MANY OTHER COUNTRIES, AND THERE ARE NO INDICATIONS OF ANY GOVERNMENT-CONDONED VIOLATIONS. THE EMBASSY DOES NOT BELIEVE THE FOREGOING SIGNIFICANTLY ALTERS DRAFT HUMAN RIGHTS REPORTS FOR HONDURAS. THE GOH CAN AND DOES CORRECTLY POINT TO GENERAL TRANQUILITY AND THE RECOGNIZED GOVERNMENT CONCERN THAT HUMAN RIGHTS BE RESPECTED.

9. FOR CU/ARA: EMBASSY REITERATES STRONG SUPPORT FOR ITS NOMINATION (REF B) TO "PROVISION OF LEGAL SERVICES SEMINAR" IN FURTHERANCE OF OUR HUMAN RIGHTS INTERESTS. JARAMILLO

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## Message Attributes

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